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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/821,027	03/19/1997	ERIC A. VOIT	680-189	3576

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EXAMINER

KWOH, JASPER C

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/821,027

Applicant(s)

VOIT ET AL.

Examiner

Jasper Kwoh

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21,23 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 9-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: the application information on page 1, paragraph 1 and page 7, paragraph 4 should be updated. Application 08/634,543 is now patent 6,438,218 and 08/815,361 is now abandoned.

Appropriate correction is required.

**Claim Rejections - 35 USC § 112**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 4 recites the limitation "said completing step" in line 5. There is insufficient antecedent basis for this limitation in the claim. There is no completing step in claim 1.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 2 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Mirashrafi et al (US006026087A).

Regarding claim 1, Mirashrafi et al. discloses a method comprising determining the QoS (i.e. abstract, fig. 2B, 230, monitors call quality); compare QoS with

predetermined threshold (i.e. abstract, fig. 2B, 236, determine if quality is below a predetermined measure); route though the packet network is exceed threshold level and route though the PSTN is threshold not exceeded (i.e. abstract, fig. 1, call is sent through the internet and Bridgeport if QoS acceptable, if not, it is sent directly through the telephone extension 113 to the PSTN 140).

Regarding claim 2, Mirashrafi et al. involve unique service code (i.e. col. 5, ll. 33-35; it is inherent that the Push-to Talk option involve unique codes for the service).

Regarding claims 6-8, Mitashrafi et al. discloses exchanging signaling messages (i.e. col. 6, ll. 27-43; network is internet (i.e. fig. 1, 150); and if not busy, connect via the internet with two PSTN on either ends (i.e. fig. 1, 110 and 140 are PSTN/POTS and connected though internet 150).

#### ***Allowable Subject Matter***

4. Claims 21 and 23-24 are allowed.
5. Claims 9-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments filed 10/16/02 have been fully considered but they are not persuasive. Regarding claims 1, 2 and 6-8, applicant asserts that the reference does not show responsive to a placement of a voice telephone call. Examiner respectfully disagrees.

The reference does show responsive to a voice call. The decision on whether to use the Internet or the PSTN occurs when responding to the caller establishing a call. Applicant argues that Mirashrafi needs computer as it utilizes devices to monitor quality. The present application is equivalent with the use of the internet module and the processor interface which also performs CPU function to determine QoS.

### ***Conclusion***

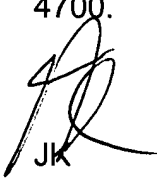
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chopra is cited to show an intelligent peripheral of the AIN including ISCP.
2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwok whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

A handwritten signature in black ink, appearing to be 'Jik', written over the printed name 'Jik'.

January 13, 2003

A handwritten signature in black ink, appearing to be 'Melvin Marcelo', written above the printed name 'MELVIN MARCELO'.

MELVIN MARCELO  
PRIMARY EXAMINER